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DE RUEHNR #0458/01 0651659
ZNY CCCCC ZZH
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FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC IMMEDIATE 8765
INFO RUCNIAD/IGAD COLLECTIVE
RUEHDR/AMEMBASSY DAR ES SALAAM 6385
RUEHDJ/AMEMBASSY DJIBOUTI 0062
RUEHLO/AMEMBASSY LONDON 3109
RUEHFR/AMEMBASSY PARIS 2975
RHMFIS/CJTF HOA
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C O N F I D E N T I A L SECTION 01 OF 04 NAIROBI 000458

SIPDIS

DEPARTMENT FOR S/ES-O, AF/E FOR SUSAN DRIANO, DRL FOR
MOLLIE DAVIS, LONDON AND PARIS FOR AFRICA WATCHERS

E.O. 12958: DECL: 03/05/2019

TAGS: PHUM PREL PGOV ASEC KCRM KE

SUBJECT: TWO HUMAN RIGHTS ACTIVISTS MURDERED IN APPARENT
ASSASSINATION

REF: NAIROBI 413

Classified By: Ambassador Michael E. Ranneberger for
Reasons 1.4 (B and D)

SUMMARY

¶1. (C) On March 5 the Executive Director and Communications Director of the Oscar Foundation, a well-known human rights organization, were murdered in an apparent assassination. The Oscar Foundation had criticized police for killing youth suspected of being members of the outlawed Mungiki sect. It also had organized a traffic blockade in Nairobi and parts of Rift Valley and Central Provinces on March 5 to pressure Police Commissioner Hussein Ali to resign for his alleged role in extrajudicial killings (Reftel A). The killings came just hours after the government of Kenya (GOK) spokesman called the Oscar Foundation a front for the Mungiki, an allegation neither we nor others find credible.

¶2. (C) Students at University of Nairobi, which is located near the site of the killings, rioted after the killings and prevented police from taking possession of the bodies and the victims' car for about two hours. Police used live ammunition to disperse the students, killing one student. At a March 6 press conference, the Police Commissioner announced that three police officers had been arrested in connection with student's death and that the investigation into the murders of King'ara and Oulu were ongoing. Attention will inevitably focus on the police and possibly the intelligence services as being responsible for the killings, especially after the recent damning assessment of the UN Special Rapporteur for Extrajudicial Killing that police undertake extrajudicial killings as a matter of policy (Reftel A).

¶3. (C) The Ambassador spoke with Prime Minister Raila Odinga on March 6. Odinga has issued a strong statement (para 9) calling for a full investigation of the murders with international assistance. We have issued a press statement (see para 10) noting grave concern about the murders and offering FBI assistance in the investigation. We are also meeting with human rights defenders to see how the United States might assist them. According to our contacts at the University of Nairobi (UofN), the UofN administration has succeeded in calming the student council, reducing the possibility of further campus unrest. The Ambassador also weighed in directly with some student leaders to urge calm. End Summary.

ASSASSINATED SITTING IN TRAFFIC

¶4. (C) On March 5, Oscar Kamau King'ara and John Paul Oulu, the Executive Director and Communications Director of the Oscar Foundation respectively, were murdered in an apparent assassination. The Oscar Foundation is a well-known local human rights organization that had publicly criticized police for killing youth suspected of being members of the outlawed Mungiki sect. It facilitated witness testimony on the so-called "Mungiki Killings" for the UN Rapporteur for Extrajudicial Killings during his recent visit to Kenya. It also had organized a traffic blockade in Nairobi and parts of Rift Valley and Central Provinces on March 5 to pressure Police Commissioner Hussein Ali to resign for his alleged role in extrajudicial killings. The murders happened while the two men were sitting in traffic in a car near the State House, the presidential residence. According to eyewitnesses, a matatu (small mini-van used for public transportation) blocked King'ara and Oulu's car and two well-dressed men emerged from the vehicle, shooting King'ara four times in the head and Oulu three times in the head. The two shooters also wounded a bystander and then fled in a car. The bystander was treated at a local hospital and released.

¶5. (C) King'ara died on the scene. UofN students living in a hostel close by the scene of the murders brought Oulu to the University hospital, where he died approximately 30 minutes later. Just five hours before the killing, GOK spokesman Alfred Mutua had branded the Oscar Foundation a front for Mungiki activities, and accused the organization of

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fundraising abroad for the group. (We do not find the GOK's accusation credible). At the time of their death, the two men were traveling to meet a Kenya National Commission of Human Rights official, Kamanda Mucheke, to discuss a common strategy to refute the government's accusation. Mucheke told poloff that he has received threatening SMS messages and that police contacts had advised him to lay low and change his residence, travel routines, and his car.

STUDENTS RIOT, POLICE KILL ONE

¶6. (U) The killings took place near hostels used by UofN students. After the murders, students came into the streets to demonstrate. They prevented police access to the scene of the crime for nearly two hours and took the body of King'ara away from the vehicle. Police came to the scene and used live ammunition to disperse the students, killing one student. After several hours of negotiations between the police, UofN administrators, and student leaders, the body of King'ara was handed over to the police. The fact that one of the murdered men, Oulu, was a recent UofN graduate and a well-known student leader amplified the students' reaction. Fearing further campus unrest, UofN administrators held a series of talks with student leaders. According to our contacts at the UofN, the situation is currently calm.

¶7. (U) On March 6 Police Commissioner Ali held a press conference where he announced that three police officers had been arrested in connection with the killing of the student. Ali stated that investigations into the murders of King'ara and Oulu were ongoing.

U.S. ACTIONS

¶8. (C) The Ambassador spoke with Prime Minister Raila Odinga on March 6. Odinga has issued a strong statement calling for a full investigation of the murders with international assistance (para 9). We have issued a press statement (para 10) expressing grave concern about the murders and offering FBI assistance in the investigation, and we are coordinating with other diplomatic missions. We are also meeting with

human rights defenders to see how the United States might assist them. A full and credible investigation into the murders is crucial to the credibility of the coalition government, particularly with respect to its commitment to end the culture of impunity

19. (U) Statement issued by the Prime Minister on March 6.

Begin Text:

PRIME MINISTER RT HON RAILA ODINGA'S STATEMENT ON THE MURDER OF OSCAR FOUNDATION EXECUTIVE DIRECTOR:

MARCH 6, 2009.

Over the years, dating back to the pre-independence days and after, civil society activists have contributed tremendously to the liberation of Kenya, whether that liberation was from the colonial rule or the dark terror of one party state that was to engulf this country years later.

In fact, when politics got confined to those who supported the status quo and the academia was silenced through reprisals and detention in the 1970s and all the way to the 1980s, civil society activists became the last standing soldiers in the battle to create a Kenya where human rights; including freedom of speech and freedom of association are respected.

Today, Kenyans owe the freedom they have to the activists who risked their lives and stood up to demand freedom of speech, movement and association at a time those supportive of the status quo wanted everyone to be silent.

It is in recognition of this historical role, and my belief in the sanctity of life, the freedom of thought and freedom of expression that I wish to condemn unreservedly the cold-blooded murder of the Oscar Foundation Executive

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Director Mr. Kamau King'ara and the Foundation's Programmes Coordinator Mr. Paul Oulu, last evening.

This act of heartlessness and lawlessness, murder most foul, came only hours after Dr. Alfred Mutua, in the name of the government, accused the Oscar Foundation of fundraising abroad to support Mungiki activities locally.

I wish to state to the people of Kenya that Dr. Mutua does not speak for the Grand Coalition Government.

The Grand Coalition Government was founded on the principle of consultation. Whatever goes out as a government position must have been discussed by the parties and agreed on before it is announced.

There is no such agreement that the Oscar Foundation was raising money for Mungiki. It gets even more bizarre when that announcement is followed by murder.

I extend great sympathies to the families and friends of these murdered officials and all the civil society fraternity. Life is sacred and whatever the crime one has committed, no one deserves to die unless a credible court process decides so.

Since police are suspects in these killings, it is necessary to have an independent agency to carry out investigations into this murder.

We therefore want to appeal to friends of Kenya locally and abroad to help in unraveling this murder and help bring perpetrators to justice.

Kenya has too many unaccounted for murders that we are still struggling to unravel. We do not want to add to that growing

list. This murder comes only days after the UN Special Rappoteur unearthed disturbing incidents of extra-judicial killing in the country.

It is worrying and I fear that we are flirting with lawlessness in the name of keeping law and order. In this process, we are hurtling towards failure as a State.

I appeal to the UN, the US and EU and all other friends of Kenya to help unravel this murder. In the meantime, I appeal to all Kenyans to remain calm as we seek to unravel this.

Rt Hon Raila A. Odinga.

Prime Minister.

End Text.

¶10. (U) Full text of Embassy Press release:

Begin Text:

Statement by U.S. Ambassador Michael Ranneberger
March 6, 2009

United States Insists of Credible Investigation and Offers Assistance

The United States strongly condemns the murders of two Kenyan Human Rights activists, Oscar Kamau King'ara and John Paul Oulu, in Nairobi on March 5, 2009. We extend our sincere condolences to the family and friends of both men.

Mr. King'ara was the founder and CEO of the Oscar Foundation, a local non-governmental organization that offers legal aid to indigent clients and has highlighted the issue of extrajudicial killings. Mr. Oulu was the Oscar Foundation's Communications and Advocacy Director. Their murders are a serious attack on human rights in Kenya.

The United States is gravely concerned and urges the Kenyan government to launch an immediate, comprehensive, and transparent investigation into this crime. We urge the government to do all in its power to bring those responsible for the murders to justice and to prevent Kenya from becoming

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a place where human rights defenders can be murdered with impunity. The government should protect any witnesses associated with this case under the Witness Protection Act of ¶2006.

Three police officers have reportedly been arrested in connection with the fatal shooting of a University of Nairobi student during protests over the killings of Mr. King'ara and Mr. Oulu. We urge the immediate and full investigation of the allegations that police personnel used live ammunition and deadly force against protesters. We extend our condolences to the student's family and friends.

I welcome the strong statement made by Prime Minister Odinga on behalf of the Government of Kenya. In response to the Prime Minister's call for independent investigative assistance in these cases, I have offered to the Government of Kenya, effective immediately, the service of the Federal Bureau of Investigation.

End Text.

Ranneberger
RANNEBERGER